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FM AMEMBASSY JAKARTA

TO RUEHC/SECSTATE WASHDC IMMEDIATE 0386

INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY

RUEHBY/AMEMBASSY CANBERRA PRIORITY 3187

RUEHLM/AMEMBASSY COLOMBO 1386

RUEHKA/AMEMBASSY DHAKA 1360

RUEHNE/AMEMBASSY NEW DELHI 2346

RUEHPB/AMEMBASSY PORT MORESBY 4049

RUEHUL/AMEMBASSY SEOUL 5036

RUEHKO/AMEMBASSY TOKYO 2633

RUEHWL/AMEMBASSY WELLINGTON 3185

RUEHBJ/AMEMBASSY BEIJING 5519

RUEHHK/AMCONSUL HONG KONG 3041

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RHMCSUU/FBI WASHINGTON DC

RUEAWJA/DEPT OF JUSTICE WASHDC

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RHEHNSC/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001950

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, S/CT, INL FOR
BARCLAY/ROESS/BUHLER/CARLON
DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR
LEHMANN/ALEXANDRE/BERMAN
DOJ/CTS FOR MULLANEY, ST HILAIRE
FBI FOR ETTUI/SSA ROTH
NCTC WASHDC
NSC FOR E.PHU

E.O. 12958: DECL: 10/22/2018

TAGS: PGOV PTER KJUS ID AS

SUBJECT: BALI BOMBERS -- CONSTITUTIONAL COURT UPHOLDS DEATH
PENALTY

REF: JAKARTA 1920 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

¶11. (C) SUMMARY: The Constitutional Court has rejected the Bali bombers' last-ditch appeal of their death sentences and upheld that death by firing squad is constitutional. The Indonesian Attorney General has announced that the government intends to move forward with the executions of the three bombers, but no date has been made public. GOI contacts hope that the executions will be carried out soon and do not anticipate a violent reaction.

¶12. (C) SUMMARY (Con'd): Separately, the Jakarta police detained an individual suspected of involvement in sectarian violence in central and eastern Indonesia several years ago. His links to other terrorists and terrorist organizations remain unclear. END SUMMARY.

BAD NEWS FOR BOMBERS

¶13. (SBU) On October 21, the Constitutional Court rejected the Bali Bombers' claim that death by firing squad was unconstitutional. In their petition to the court, the defense team claimed that execution by firing squad was painful and constituted torture (and because the Indonesian Constitution banned torture, this form of execution was unconstitutional) (see reftels). In its decision, the court determined that every form of execution causes pain to the condemned but that, if the execution is carried out properly, that pain can be minimized. The appeal was lodged after the

convicted terrorists had exhausted all other legal forms of delay through the court system that reports to the country's Supreme Court. They received death sentences for their roles in the October 2002 Bali bombing that killed 202 people.

GOI SAYS IT IS PUSHING AHEAD WITH EXECUTIONS

¶4. (SBU) Attorney General Hendarman Supanji has announced that his office is ready to execute the Bali bombers. The AGO had previously said it would announce the execution date on October 24. Although the three terrorists could still request clemency for their crimes, they have publicly stated that they would not do so.

¶5. (C) A special execution squad reportedly stands ready to move into place once the executions are ordered by the government. The three terrorists, Amrozi (one name only), Imam Samudra and Ali Gufron are incarcerated on an island prison located off of Central Java. Some contacts suggest that the GOI will wait until the conclusion of the Bali Water Sport Games, an international event that attracts tourists, before carrying out the executions. The games end on October ¶26.

GOI CONFIDENT ABOUT POSSIBLE REACTION

¶6. (C) The GOI does not anticipate a public outcry if the executions take place. Echoing comments by other GOI contacts, AnsyAAD Mbai, Inspector General of the GOI's Counter Terrorism Desk, told poloff that because of the increase in executions before Ramadan, the public had become "desensitized" to the death penalty. He said few Indonesians sympathized with the three bombers because their acts of

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violence killed many locals as well as innocent tourists.

ALLEGED MILITANT ARRESTED

¶7. (C) Separately, Indonesian police raided an alleged terrorist safe house in Jakarta on October 21. During the raid, the police arrested an alleged militant, Wahyu aka "Uci," believed to be a member of Kompak, an Islamic militant group, who had been wanted by the Central Sulawesi Police. He is linked to violence in central and eastern Indonesia several years ago. The police reportedly confiscated 21 bullets, three kilograms of explosives, PVC pipes, and bomb-making manuals from the North Jakarta house. The police are still investigating his background and associations. Earlier press reports had linked the alleged militant (and another individual) to Noordin M. Top, a well-known Jemah Islamiyah leader, but there has been no official confirmation of that association or of ties to any terrorist organization.

HUME